IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2159 of 2005

Between:

Durga Dresses rep by proprietor K. Subba Rao s/o Chenchaiah
Main Road, Arundalpet, Guntur R/o Devapuram, Guntur

..... PETITIONER

AND

The Assistant Provident Fund Commissioner (ENF) & Authority under Sec. 7A of the Employee's Provident Fund and Misc. Provisions Act, 1952, Guntur

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction particularly one in the nature of certiorari after calling for the records relating to the order issued by the Assistant Provident fund commissioner and the Authority U/s. 7 A of the Employees Provident Fund Act in his Order No. AP/40303/SRO/GNT/APFC (Compliance)/2004/1214 dated 04..01-12-2004 (dated 10-12-2004) and quash the same.

Counsel for the Petitioner: MR.M.PANDURANGA RAO

Counsel for the Respondent: MR.R.N.REDDY (SC FOR EMPLOY'S PF ORG.)

The Court at the admission stage made the following :

O R D E R:

This writ petition is filed aggrieved by the order dated 10-12-2004 passed by the respondent under Section 7 A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'the Act').

Against the impugned order, an efficacious alternative remedy of appeal is provided under Section 7 I of the Act. Without exhausting the said alternative remedy available under the statute, the petitioner cannot maintain the writ petition. Accordingly, the writ petition is disposed of granting leave and liberty to the petitioner to prefer an appeal against the impugned order within a period of two weeks from today. If any appeal is preferred within the time specified above, the same shall be considered by the Appellate Authority and appropriate orders be passed in accordance with law. Having regard to the facts and circumstances of the case, there shall be a further direction that the impugned order shall not be given effect to for a period of four weeks from today. No costs.

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(G.ROHINI, J)

Date: 10-02-2005

ghn

To

1. The Assistant Provident Fund Commissioner (Enf) & Authority under Sec. 7A of the Employees' Provident Funds and Misc. Provisions Act, 1952, Guntur.

2. Two CD copies.